

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**LARRY DOUGLAS WAYBRIGHT**

**Plaintiff,**

**v.**

**Civil Action No. 2:06cv49  
(Maxwell)**

**POSTMASTER GENERAL U.S. POSTAL SERVICE  
John E. Potter,**

**Defendant.**

**ORDER**

The above-styled action was transferred to this Court from the District of Maryland by Order entered by Judge Andre Davis on May 9, 2006, and docketed in this Court on May 15, 2006. Plaintiff, proceeding *pro se*, filed this civil action from an alleged final determination of the Equal Employment Opportunity Commission. Plaintiff also filed a Motion for Leave to Proceed *in forma pauperis*.

Upon review of the complaint filed in the above-styled matter, the Court found that Plaintiff's action was not sufficiently plead so as to sustain any claim for relief and ordered the Plaintiff, by Order entered on July 20, 2006, to file an Amended Complaint which specifically sets forth the facts upon which his claim for relief is based, and to provide to the Court proof that he has exhausted his administrative remedies with the EEOC and filed this civil action within the requisite ninety-day time period by providing a copy of his "Right to Sue" letter. The Court also granted the Plaintiff's Motion to Proceed In Forma Pauperis for the purposes of a preliminary review.

On August 17, 2006, the Plaintiff filed his response with the Court. While the response provided no further facts for the Court's review, the Plaintiff did attach a Notice

of Final Action from the EEOC, which notice sets forth the Plaintiff's right to sue. Upon review of the same, it does appear to the Court that the Plaintiff has exhausted his administrative remedies with the EEOC. It further appears to the Court that it is appropriate, at this time, to allow this case to proceed. Upon examination of Plaintiff's financial affidavit, and upon reliance of the representations made therein, the Court further finds that the Plaintiff is indigent. Accordingly, it is

**ORDERED** that the Plaintiff's Motion to proceed *in forma pauperis* is hereby granted. It is further

**ORDERED** that the plaintiff is permitted to prosecute said action to its conclusion without prepayment of costs or giving of security therefore, and without prepayment of U.S. Marshal fees. Pursuant to Fed. R. Civ. P. 4(c)(2), the United States Marshal is directed to effect service of process pursuant to Fed. R. Civ. P. 4(i) by serving, in addition to the Defendant, the United States Attorney for the Northern District of West Virginia, the Attorney General of the United States, and the EEOC. It is further

**ORDERED** that any recovery in this action shall be paid to the Clerk of Court who may pay therefrom all unpaid fees and costs taxed against the Plaintiff and remit the balance to the Plaintiff. The Clerk is directed to mail copies of this Order to the Plaintiff and to the United States Marshal.

**ENTER:** August 20<sup>th</sup>, 2007

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**/s/Robert E. Maxwell**  
United States District Judge